

2005

30th Space Wing

This Briefing is UNCLASSIFIED



Powers of Attorney, Wills, and Other Documents

30 SW/JA



Overview



- Powers of Attorney
- Wills
- AMD / Health Care Proxy / Living Will
- Springing Durable POA
- Summary

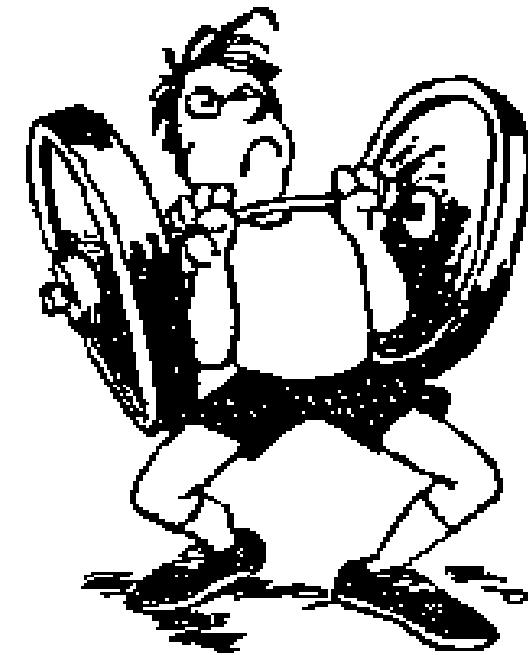




Power of Attorney (POA)



- A written instrument that allows you (the “principal”) to authorize your agent (your “attorney-in-fact”) to conduct certain business on your behalf
- One of the strongest legal documents that you can give to another person
- Every act performed by your agent within the authority of the POA is legally binding upon you
- Give it only to someone you trust and only when absolutely necessary





Power of Attorney



■ General POA:

- **Gives your agent very broad powers to act on your behalf**
- **It is highly unlikely that you will ever need a general power of attorney**

**Note: An exception is a Springing Durable General POA
(See Slide 13)**

■ Special POA:

- **Gives your agent limited authority to act on specific matters**
- **Examples:**
 - **Financial transactions**
 - **Real Property**
 - **Motor Vehicles**



Wills - Definition & Terms



- A will is a legal document used to dispose of your property (your “estate”) after your death
- May name people to do important jobs:
 - Administrator of your estate
 - Guardians for your children
 - Trustee for your children’s property / inheritance
- Maker is called Testator or Testatrix





Wills - Benefits



Benefits of a Well-Drafted Will

- **Names who will handle your estate (administrator, executor)**
- **Allows for you to name who will be the beneficiaries of your estate**
- **May simplify administration by reducing the time and**





Wills - No Valid Will



- **State laws (intestacy statutes) where you were domiciled at your death will determine who should receive your property**

- **Intestacy Statutes:**
 - **Generally - your spouse and child(ren) inherit your property or estate**
 - **If you die without a surviving spouse or child(ren), under State law certain other blood relatives receive the estate**
 - **These laws also specify who will be in charge of the estate**
 - **Division becomes complicated and leaves little flexibility**



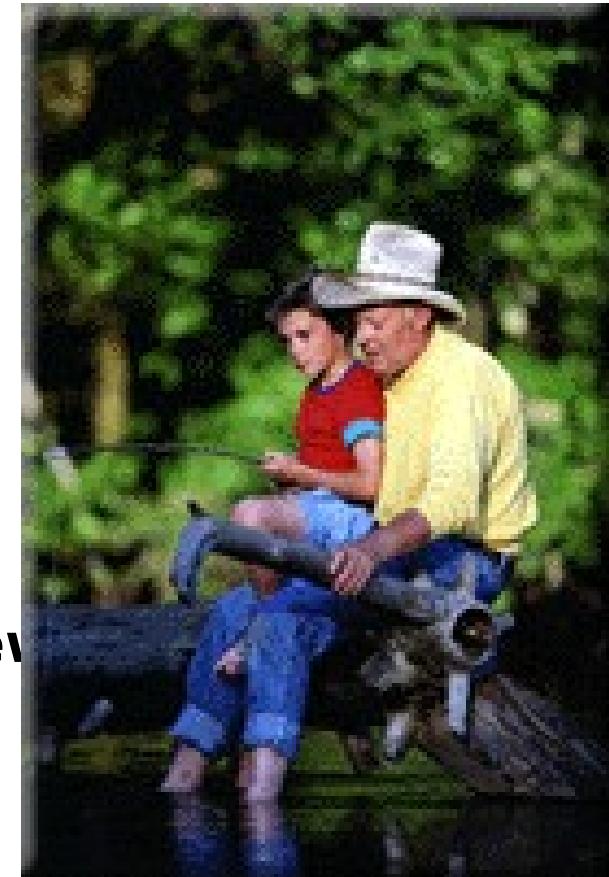


Wills - Changes



- Reasons for making a new will:
 - Person changed his/her mind
 - Major purchase - real property
 - Grandchildren
 - Death
 - Divorce
 - Change of Domicile

- Prepare and execute a completely new will.

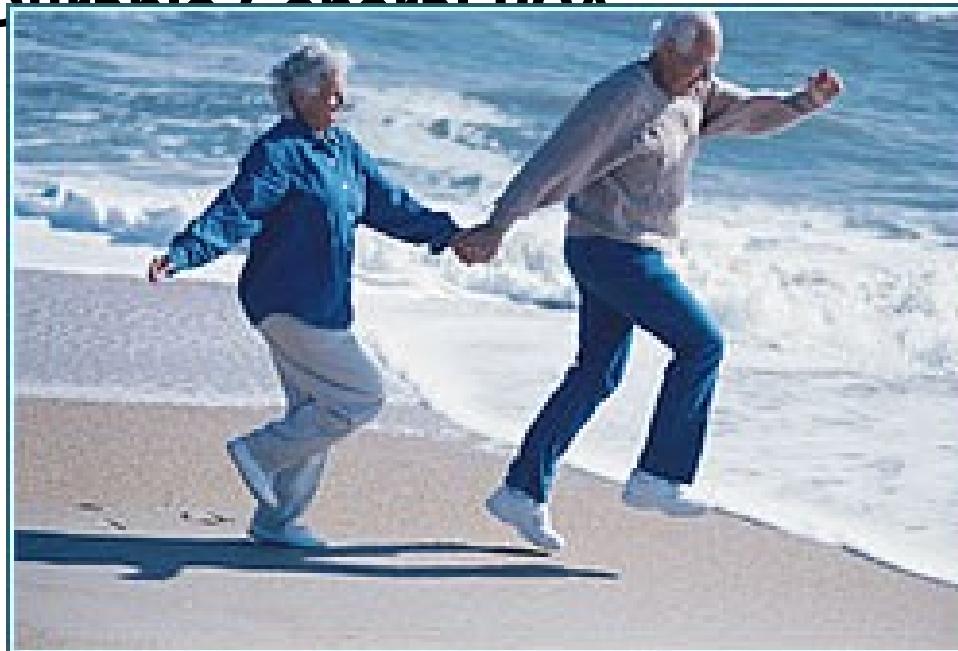




Other Documents



- Living Will / Advance Medical Directive (AMD) / Health Care Proxy
- Springing Durable General POA





AMD/Health Care Proxy/Living



~~Will~~

Advance Medical Directive / Health Care Proxy / Health Care POA

- A document used to designate another person (your agent) to make health care decisions for you if you become incapacitated
- Discuss your wishes and beliefs concerning medical treatment with your doctor, family and agent
- Make copies of your AMD/Health Care Proxy for your agent, your doctor's files and if applicable your health care facility

Living Will

- An affirmative statement by you that if you are incapacitated and being kept alive indefinitely via artificial life support, you desire that life support be terminated



AMD/Health Care Proxy/Living Will



Advantages

- Difficult decisions about future care are made while you are competent, alert and not sick
- Your wishes are made clear
- Removes stressful decisions from loved ones
- Can reduce medical expenses
- States your desire regarding organ donation at your death



AMD/Health Care Proxy/Living Will



Disadvantages

- Effective in very narrow set of circumstances
- Decision may create disharmony
- Challenge validity of AMD in court
- Acceptance out-of-state may be a problem





Springing Durable General POA



- **General POA:**
 - Gives your agent very broad powers to act on your behalf
- **Springing:**
 - Springs into effect if you become incapacitated
- **Durable:**
 - Remains in effect upon your incapacitation





Contact Information



- **Legal Assistance Hours**
 - **0930-1030 Mon, Wed, and Fri**
 - **1530-1630 Tues and Thurs**

- **Phone: 605-6200**



Summary



- Powers of Attorney
- Wills
- AMD / Health Care Proxy / Living Will
- Springing Durable POA





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